



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

November 18, 2019

BY ECF

The Honorable Valerie E. Caproni
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *United States v. Bernard Ebbers*, 02 Cr. 1144 (VEC)

Dear Judge Caproni:

The Government writes with respect to the Court's Order of November 13, 2019. As requested, a copy of all Clinical Encounters or Consultations with the Bureau of Prisons since the Government's filing of October 23, 2019 are being provided to Chambers (and counsel to the defendant) in conjunction with the filing of this letter.¹

With regard to the defendant's weight loss, an abdominal ultrasound was performed in late October, revealing "no definitively worrisome or sonographically acute findings." Medical Records at 27. In terms of additional testing, the BOP is aiming for the colonoscopy referred to in the Government's letter of October 23, 2019 to take place in early December. In addition to the colonoscopy, a contrast-enhanced CT scan of the abdomen and pelvis is scheduled for mid-December to further inquire into the weight loss issue. *Id.*

With regard to any BOP tests or assessments regarding memory malingering, the BOP has relayed that no such tests or assessments have been conducted, but indicated that a psychologist entered a note about the discrepancy between Ebbers' presentation with staff members and his presentation on the phone with his family. Specifically, the psychologist noted the following:

This writer listened to several phone calls between inmate Ebbers and his daughter. In the calls he was alert, aware and oriented to person, place, time and situation. He was asking his daughter the status of her reported attempts to try to get him out of prison. His daughter said that the fact that he was moved to the health services unit would help his case. He asked his daughter how family members were in response to her telling them that he didn't want to receive visits from them - recalling their names and

¹ Given the highly personal medical information contained in these records (the "Medical Records"), the Government requests that the Medical Records be maintained under seal.

expressing concern that it may hurt their feelings. He recalled the day he and his daughter would have a visit. The conversations between him and his daughter were very different then how he presented to this writer during our last encounter on 10/11/19 where he presented as though he didn't know he was in a prison nor the date and time.

Medical Records at 144.

Respectfully submitted,

Geoffrey S. Berman
United States Attorney

By: _____ /s/
Gina Castellano
Assistant United States Attorney
Southern District of New York
(212) 637-2224